

DECEMBER 19, 2011

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Vice Chairman Richard Myers at 7:30 PM.

The meeting was opened by stating that adequate notice of this regular meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this regular meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Star Gazette and The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Myers, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Vaezi, Spender.

Absent: Barton, Mills, Hight, Smith.

Also present: Drew DiSessa, PE; William Edleston, Esquire.

The Pledge of Allegiance was recited.

MOTION was made by **HAZEN** to approve the minutes of the November 21, 2011 meeting, as written.

SECONDED: CREEDON.

Those in favor: Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Spender.

Opposed: None.

Abstained: Vaezi, Myers.

Case #11-09, Mansfield Commons II, LLC

Present for the applicant: Michael Cresitello, Esquire; Brian Silbert, Managing Member of Management Company; John Hansen, PE; Gary Dean, Traffic Engineer; Benedetto Catarinicchia, AIA; Paul Grygiel, PP

Cresitello explained the applicant was seeking amended preliminary and final site plan approval, as well as variances for signage. Cresitello stated, the topography of the site creates a lack of visibility for the tenants in the buildings. Cresitello explained a new access easement will be offered to the adjacent Comfort Inn, and the cross-easement has already taken place.

Hansen was sworn in and accepted as an expert witness. Hansen explained the amended site plan, and explained the unique topographical situation. Hansen explained the proposed drive-thru scenario, the reconfigured parking areas, and the interconnected drive with the Comfort Inn.

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Hansen stated there would be an increase of 400 square feet of impervious surface, 204 parking stalls would be available where 165 are required, one solid waste facility would be removed, some building lighting would be added, and the landscaping would remain essentially the same.

Hansen explained the applicant was requesting waivers for the loading space, the 25' drive isle, and the 22' interconnection drive. Hansen stated the variances being sought were for the second free-standing, ground-mounted sign, the menu board sign, and two additional building mounted signs.

Hansen stated they had received DiSessa's report, and were confident in their ability to comply with his comments. Hansen stated the applicant was also in the process of obtaining any outstanding outside agency approvals necessary.

Catarinicchia was sworn in and accepted as an expert witness. Catarinicchia explained there were no major changes in the architecture of the buildings. Catarinicchia explained where the signs would be located, and their appearance.

Silbert explained the ReMax office would be relocating to the rear building, and the front building would house the Verizon and proposed café uses.

A discussion was held regarding the location and safety of the interconnecting drive to the Comfort Inn. A discussion was also held regarding the location of the second free-standing sign. The suggestion was made to prune back the trees and landscape plants in the area of the proposed sign. Hansen stated, if the board wanted the elimination of the trees in the area of the free-standing sign, the applicant would comply.

Dean was sworn in and accepted as an expert witness. Dean agreed the site suffers from a lack of tenant visibility, and direct access to the subject portion of the site. Dean stated the interconnection drive to the Comfort Inn would afford a great benefit to the site. Dean stated it was his opinion the new drive would interject new life by allowing for more efficient access. Dean explained further the details of the drive width, the parking calculations, the café drive through, and the sign location.

The board members asked questions regarding the visibility of the signs from Route 57. Silbert stated they would work with the adjacent property owner regarding landscape upkeep.

Creedon mentioned the proliferation of push-in signs. Silbert replied they would attempt to police the problem.

Grygiel was sworn in and accepted as an expert witness.

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Entered as Exhibit A-1 – four pages of photographs of the site taken in October and November

Grygiel testified as to the reasons for the sign variance requests. Grygiel related the positive and negative criteria. Grygiel also explained in detail the proposed signs.

MOTION was made by MANNON to research the Baldwin Way signage, and if there were any approvals granted in the past.

DiSessa stated it was a moot point, and the board could just entertain testimony as to what the applicant would propose for signage on Baldwin Way. Cresitello stated they would welcome signage for Baldwin Way. Mannon withdrew his motion.

Hansen gave additional testimony regarding a proposed permanent sign at the Baldwin Way entrance. The sign would mimic the monument sign proposed for the Route 57 entrance, and would require an additional variance. Hansen stated the sign would certainly provide for safety and identification at that entrance to the site.

Creedon stated he would like to see the front hedge row to **appear** more in keeping with the hedge row at the Wal Mart portion of the site.

The hearing was opened to the public for questions and comments. There were no questions or comments from the public, and the public portion of the hearing was closed.

MOTION was made by **MAYOR TOMASZEWSKI** to grant amended preliminary and final site plan approval for Case #11-09, Mansfield Commons II, LLC as well as waivers for the driveway width and loading space, and bulk variances for the wall and façade signs, the two free-standing monument signs, the menu board sign, and the sign side yard setback, as well as complying with the comments in DiSessa's report, and any other outside agency approvals.

SECONDED: CREEDON.

Those in favor: Watters, Mannon, Hazen, Creedon, Vaezi, Spender, Mayor Tomaszewski, Myers.

Opposed: None.

Abstained: None.

Case #11-10, Jeff Caputo C/O CHS

Present for the applicant: Jeff Caputo

Watters recused himself from the application.

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DiSessa explained the applicant proposes to expand an existing frame dwelling by constructing a second floor. DiSessa stated the dwelling currently doesn't meet the front yard setback requirement.

Caputo was sworn in by Edleston. Caputo explained he purchased the property in 2004, and there were already three houses on the property. Caputo stated he wants to clean up the homes, and move into one of them.

Edleston explained there were two bulk variances needed: front and side yard setbacks.

The case was opened to the public for comments and questions. There were no comments or questions from the public, and the public portion was closed.

MOTION was made by **MYERS** to approve the variance requests for Case #11-10, Jeff Caputo C/O CHS, as presented.

SECONDED: CREEDON.

Those in favor: Mannon, Hazen, Creedon, Vaezi, Spender, Myers.

Opposed: None.

Abstained: None.

Edleston indicated he would have the resolutions for the next meeting. Edleston recommended the board adjourn to executive session in order to discuss a suit being brought by the applicant for Case #11-07, Garden Solar, LLC.

MOTION was made by **MANNON** to adjourn to executive session at 9:30 PM, in order to discuss pending litigation.

SECONDED: CREEDON.

The meeting adjourned to executive session at 9:30 PM.

Upon reconvening at 9:35 PM, Edleston explained the intent of the executive session regarding the Garden Solar applicant.

MOTION was made by **CREEDON** to allow Case #11-07, Garden Solar, LLC to be reopened because members of the board attempted to listen to the tapes, and were unable to hear a certain portion of the testimony due to the tape being inaudible. Those members give their time each month and should not be penalized due to a technicality. The applicant must provide notice of the hearing, and the meeting must be open for public comment. Further, the board agrees to have the matter remanded for re-consideration.

SECONDED: MYERS.

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Those in favor: Creedon, Vaezi, Spender, Hazen, Myers.

Opposed: None.

Abstained: None.

Walter Wilson, Esquire, representing Case #11-07, Garden Solar, LLC, stated he would re-notice the application, and probably reappear in January of 2012.

Betty Ann Roseberry Wright, of 281 E. Asbury-Anderson Road, related her opinion of farm development. Ms. Wright was instructed to attend the public hearing.

Carol Thompson of Route 57 expressed concern over the return of the applicant. Thompson stated the attorney for the applicant was aware there were only five members eligible to vote on the application. Myers and Edleston explained the matter.

John Thompson of Route 57 expressed his opinion regarding the reopening of the matter.

DiSessa mentioned reading about proposed legislation regarding adaptive approval, and cited the Meadows at Mansfield case. Watters indicated DiSessa should make a copy of the information available to the Township Clerk so the Township Committee can adopt a resolution in opposition.

MOTION was made by **CREEDON** to adopt a resolution, and to encourage the Township Committee, to adopt a resolution in opposition to A4128 and S29-50.

SECONDED: WATTERS.

Those in favor: Vaezi, Spender, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Myers.

Opposed: None.

Abstained: None.

Vaezi mentioned the possibility of “energy master plan” legislation, and wasn’t certain if it would have bearing on the Garden Solar application. DiSessa stated he would research the matter.

MOTION was made by **MYERS** to authorize payment by the Township Committee invoices submitted by the professionals.

SECONDED: VAEZI.

Those in favor: Spender, Mayor Tomaszewski, Watters, Mannon, Hazen, Creedon, Vaezi, Myers.

Opposed: None.

Abstained: None.

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MOTION was made by **MYERS** to adjourn the meeting at 10:00 PM.
SECONDED: VAEZI.

Voice vote: ALL IN FAVOR.

Respectfully submitted,

Patricia D. Zotti, Clerk
(as amended)